

thing, Mr. Magnitsky was arrested in front of his wife and children and placed in pretrial detention. He was held without a trial for 1 year. The Russian Federal Security Service deemed Mr. Magnitsky was a flight risk to prolong his detention, based on false claims that he had a U.K. visa application.

While in custody, Mr. Magnitsky was tortured by officials, hoping he would withdraw his testimony, and falsely incriminate himself and his client. Refusing to do so, his conditions and his health worsened. He stayed in an overcrowded cell with no heat, no sunlight, and no toilet. The lights were kept on throughout the night to deprive him of sleep. Mr. Magnitsky lost 40 pounds and suffered from severe pancreatitis and gallstones.

Months went by without any access to medical care. Despite hundreds of petitions, requests for medical examination and surgery were denied by Russian Government officials. So were family visits. After his arrest Mr. Magnitsky saw his wife once and never again saw his children.

On November 13, 2009, Sergei Magnitsky's condition deteriorated dramatically. Doctors saw him on November 16. He was transferred to a Moscow detention center that had medical facilities and, instead of being treated there immediately, he was placed in an isolation cell, handcuffed, beaten, and subsequently Sergei Magnitsky died.

After his death, Russian officials repeatedly denied the facts surrounding his health condition. Requests by his family for an independent autopsy were rejected. Detention center officials said Mr. Magnitsky's abdominal membrane had ruptured and that he died from toxic shock. The official cause of death would blame heart failure.

According to the Russian State Investigative Committee, Mr. Magnitsky was not pressured and tortured but died naturally of heart disease. The committee said his death was "nobody's fault."

For 3 years not a single person has been prosecuted for Mr. Magnitsky's false arrest, torture, murder, or for the massive fraud that he had the courage to expose. Like many of my colleagues, I continue to have real concerns about the current state of human rights and rule of law in Russia. I have come to the floor on numerous occasions demanding accountability for Russia's rampant extrajudicial offenses.

Tragically, Mr. Magnitsky is not the only victim of the country's criminal regime. The cases of Mikhail Khodorkovsky and Planton Lebedev, who remain in prison, are also poignant examples of the corruption that pervades the Russian Government. My friend, the junior Senator from Maryland, has shown tremendous leadership on this issue and I commend him for his steadfast dedication to the highest standard of democracy and justice. I have long supported Senator CARDIN's

efforts to use the Magnitsky Act as a way to protect human rights globally.

The Magnitsky Act is a simple straightforward call for justice. It signals to the world that America will uphold its commitment to the protection of human rights and the rule of law. It is a tool that could be extremely powerful in penalizing human rights violators everywhere. Many of us had hoped to achieve a bicameral consensus in applying the Magnitsky Act globally. Although global language is not included in the House bill being considered today, sanctions against human rights violations in Russia and within the Russian Government are still an important victory. It moves us in the right direction.

I hope we can work in the next Congress to consider broadening the reach of the Magnitsky Act. Russia is not alone in its human rights abuses and the United States' unwavering stance against corruption should not stop there.

PNTR with Russia is an important vehicle for American trade and it should serve as a reminder of our country's role in promoting the advancement of human rights. At the same time, I remain committed to supporting this role as we move forward.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that morning business be extended until the majority leader comes to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized as in morning business.

RUSSIA-MOLDOVA PNTR

Mr. KERRY. Mr. President, the chairman of the Finance Committee, Senator BAUCUS, is tied up right now with a scheduling conflict, working on the fiscal cliff issue, so he asked me if I would kick off the debate with respect to the Russia PNTR, H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012.

I am very happy to do this on behalf of Senator BAUCUS. We share a great partnership together as chairman of our two committees focused on trade and on the relationship with Russia, both of which come together in the legislation today.

I would be remiss, however, if I didn't say a word about what consumed us yesterday with the vote on the disabilities treaty. It is certainly a moment that stands out in my memories of my time in the Senate. I can't think of any other time when a former majority leader has come to the floor—a veteran—who sought to have his colleagues join together in supporting something that would improve the lives of people with disabilities.

I am not going to go back and reargue it now. That would be fruitless and I think not helpful to where we want to move to. What we want to move to is a place where we can pass this. I can say—I believe this—I can say to Senator Robert Dole that we will pass the disabilities treaty and we will pass it, I believe, early next year. I base that on the fact that some Senators had difficulties with the fact that we are in a lame-duck session and they had signed a letter which, regrettably, some of them didn't digest completely but nevertheless signed, saying they wouldn't take up a treaty in a lame-duck session and I think some felt compelled by that and others felt compelled by other things.

But here is what I think we can do. Starting next year, I believe we can move to additional hearings that can make crystal clear to all colleagues the state, as it may not have been yesterday in some cases, with respect to both the law and the facts as it applies to persons with disabilities. I pledge now to make certain that within the resolution of advice and consent, any concern that was not adequately addressed—I personally believe they were addressed—it is possible we can find the language that will address the concerns of any Senator who yesterday felt—whether it was the United Nations or homeschooling, I believe those things can be adequately addressed. I do know a number of Senators said they would be prepared to vote for it after we are out of the lame-duck session, and I am confident we will pass the disabilities treaty in a different atmosphere and in a different time.

One of the things I learned from my senior colleague Ted Kennedy, who did this for so many years, is that perseverance pays off when the issue is worth fighting for and we always have another day and another vote in the Senate. That always affords us the opportunity to make things right. We are certainly going to try and do that.

This PNTR-Magnitsky bill is, in fact, one of those opportunities where we can start to put the Senate on the right track, and I think all of us look forward to the chance to be able to do that.

This bill passed the House of Representatives by a huge margin of 365 to 43. What it would do is establish permanent normal trade relations for Russia, and it would require the identification and imposition of sanctions on individuals who are responsible for the detention, abuse and death of Sergei

Magnitsky and other gross violations of human rights.

Let me make my best argument, if I can, in favor of the bill, and then I wish to turn the discussion over to the ranking member, Senator HATCH, to present his case for passage. After that, the Presiding Officer of the Senate at this moment, the Senator from Maryland, Mr. CARDIN, will lead a discussion of the provisions of the act related to honoring the memory of Sergei Magnitsky and combating the types of human rights abuses that led to his premature and tragic death. I wish to congratulate the Presiding Officer and salute him for his significant efforts. He has been dogged, and that component of this legislation would not be here today if it weren't for the efforts of the Senator from Maryland. Chairman BAUCUS will then have been able to return to manage the rest of the consideration on the floor at that time.

As the Presiding Officer knows, Chairman BAUCUS and I lead the two Senate committees that are charged with overseeing the twin pillars of America's unique role in the world. Our commitment to open, transparent and free markets and our commitment to democracy and open discourse is a force for international peace. We believe our global economic interests and our foreign policy values are closely tied together. They should be closely tied together. That is why we urge our colleagues to seize this opportunity that Russia's accession to the World Trade Organization presents for both job creation and our ability to bind Russia to a rule-based system of trade and dispute resolution.

Granting Russia permanent normal trade relations is as much in our interests as it is in theirs. Frankly, that is what ought to guide the choices we make in the Senate. The upside of this policy is clear on an international landscape. It is one that rarely offers this kind of what I would call, frankly, a kind of one-sided trade deal—one that promises billions of dollars in new U.S. exports and thousands of new jobs in America. That is certainly in our interests.

Today, Russia is the world's seventh largest economy. Having officially joined the WTO on August 22, Russia is now required by its membership in the WTO to lower tariffs and open to new imports. That sudden jump in market access is, frankly, important to any country that is the first country through the door, and if we don't pass this trade legislation, we will not be among those countries.

I can tell my colleagues Massachusetts, speaking for my State, welcomes access to the Russian market, and we want that access to be played out on a level playing field. The State of Massachusetts exported \$120 million worth of goods to Russia last year, and those exports obviously support hundreds of jobs. But if we don't pass this bill, those exports will face competition from other countries that will not pay

the same high-level tariff we currently pay.

Let's take one specific example. Massachusetts exported \$18.5 million in medical equipment to Russia in 2011, but we face strong competition from China, which has increased its share of the Russian market in each of the last 10 years. We don't shy away from strong competition, but we want that competition to be able to be played out on an even playing field. As long as we don't have normal permanent trade relations with Russia, we are disadvantaging ourselves. It simply doesn't make sense. Since joining the WTO, Russia agreed to reduce average tariffs on medical equipment to 4.3 percent and to cut its top tariffs from 15 percent down to 7 percent. As it stands now, that is a benefit China will get and we will not. It simply doesn't make sense to anybody.

To grant Russia PNTR status requires us to repeal the 1974 Jackson-Vanik amendment. A lot of our staff members, I hasten to say, were not even born back when Jackson-Vanik was put in place. Many of our colleagues and a lot of our staff have studied the Soviet Union but have never experienced that period of time. What we are living with is a complete and total relic of a bygone era.

Congress passed Jackson-Vanik during the Cold War to pressure the Soviet Union to allow Russian Jews to be able to emigrate freely. It was very successful. It worked, and as a result, the Kremlin worked with us and others to help Jews be able to emigrate. As a result, every single U.S. President has, regardless of political party, waived Jackson-Vanik's requirements for Russia since 1994. The American-Israel Public Affairs Committee, the National Conference on Soviet Jewry, and the Government of Israel now all support the repeal of Jackson-Vanik for Russia. With too many Americans still searching for jobs all across our country, our manufacturing sector needs every boost it can get. We cannot afford to retain Jackson-Vanik any longer. This is in America's interest. Despite progress, our trade deficit remains too wide, and I think that seizing this opportunity to increase exports to Russia is one very obvious way to be able to make concrete progress in reducing that trade deficit.

U.S. exports to Russia total more than \$9 billion a year. Establishing PNTR for Russia could double that number in just 5 years, according to one recent study. That could mean thousands of new jobs across every sector of our economy. With the Russian economy's impressive growth, it is actually—Russia is expected to outgrow Germany by about 2029, so it is steadily growing in the world marketplace. The long-run gains for everybody would be even greater.

None of us is going to suggest that every issue with respect to Russia has been resolved. We know there are still points of tension, and some of them in

the foreign policy area are very relevant today, for instance, over Syria. We understand that. We hope recent events in Syria may be moving Russia and the United States closer in terms of our thinking. But it is only a good thing to bring Russia into a rules-based system with mechanisms for peaceful, transparent dispute resolution.

There is no debate—and I think the Presiding Officer knows this full well—that the very tragic and senseless death of anticorruption lawyer Sergei Magnitsky, who died while in Russian custody—is simply unacceptable. It is appalling, and it highlights a human rights problem that has grown in its scope, not diminished. It is one we hope to be able to resolve with good relationships and good discussions.

Senator CARDIN, the sponsor of that legislation in the House and in the Senate, is going to speak shortly about it, and I will leave him to describe in full the nature of that particular component of this bill. But suffice it to say that human rights, democracy, and transparency activists in Russia favor the passage of constructive human rights legislation in our Congress, and they also see WTO membership and increased trade for the United States as an avenue toward progress. So there is no contradiction in what is happening. They understand, as we all should, that repealing Jackson-Vanik is not a blanket acceptance of any particular policy or approach in Russia. It is certainly not an acceptance of what happened with respect to Sergei Magnitsky and that is because of the Magnitsky legislation.

Repealing the bill—repealing Jackson-Vanik—is not an economic giveaway to Russia. To the contrary, it represents, as I have described, an enormous opportunity for the United States to compete on a fair playing field with other countries and to create more jobs in the United States. By establishing PNTR with Russia, U.S. businesses will win increased market access without giving up anything in return. There would be no tariff changes, no market concessions, nothing. It, frankly, diminishes the willingness of some hard-liners in Russia to distort the current dialog and to distort the possibilities of a better relationship, which we want with Russia. By taking this away, we will reduce the abuse of Jackson-Vanik as a rhetorical tool to rally anti-American sentiment in Russia. I believe we can do something very important here today and both our economy and our foreign policy will be better for the effort.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Utah.

Mr. HATCH. Mr. President, we will soon vote on H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012. The trade elements of the bill are identical to legislation which passed the Senate Finance Committee by unanimous vote on July

18, 2012. The bill repeals the application of the Jackson-Vanik amendment to Russia and Moldova, which will enable U.S. workers and job creators to fully benefit from Russia and Moldova's accession to the World Trade Organization. The bill will also put into place new tools to help stop human rights abuse and battle systemic corruption within Russia.

After 18 years of hard fought negotiations under both Republican and Democratic administrations, President Obama finalized the terms of Russia's accession to the WTO on November 10, 2011. Russia was invited to join the organization on December 16, 2011, and officially joined in August of this year. Now that Russia is a member of the WTO, for our workers to benefit Congress has no choice but to extend permanent normal relations to Russia through repeal of the application of the Jackson-Vanik amendment.

Russia is now a member of the WTO, but they are under no obligation to extend the economic benefits of their membership to the United States unless we have permanent normal trade relations. Simply put, if Congress does not act, our workers and exporters will be at a serious disadvantage in trying to export their goods and services to the Russian market, and that will cost us jobs at home. Given our weak economic recovery, if it is a recovery, it is critical that Congress does everything it can to help U.S. workers to compete.

There are many economic benefits to Russia's WTO accession. Under the terms of its accession, Russia must cut tariffs on manufactured products, reduce duties on farm products, open its service markets to U.S. firms, meet international intellectual property rights standards, and reduce customs clearance fees. If Russia fails to meet any of its commitments, Russia will be subject to WTO dispute settlement proceedings.

Russia is an attractive market for American exporters. It is the world's 11th largest economy with more than 140 million consumers and the last major economy to join the World Trade Organization. American companies and workers must compete on a level playing field with their foreign competitors in Russia to succeed.

When President Obama first asked Congress to remove Russia from longstanding human rights legislation and grant permanent normal trade relations for Russia, he suggested that we do it unconditionally. Even before Russia joined the WTO, President Obama and his team argued that Congress should quickly pass a clean bill. Given the myriad problems we have with Russia, it has always been very hard for me to understand this position. President Obama and his team appeared almost manic in their attempts to avoid offending President Putin and his government or doing anything at all to upset their failed reset policy.

Fortunately, just as Congress did in 1974 when they created Jackson-Vanik,

we insisted on more. Working side by side with our Senate and House colleagues in both parties, we drafted a bill which serves our economy and replaces the application of the Jackson-Vanik amendment with policies more appropriate for the realities in Russia today. We should all be justly proud of our bipartisan effort. Basically, the bill we will vote on fills many of the gaps in President Obama's policy toward Russia.

For example, rather than ignore continuing human rights abuses and corruption in Russia, my friends and colleagues, Senators MCCAIN and CARDIN, joined together with many others to craft a bill to help combat deep-rooted and institutionalized corruption within Russia. This bill became the Sergei Magnitsky Rule of Law and Accountability Act. By the end of this debate, the American people will be intimately familiar with the name Sergei Magnitsky.

Briefly, Sergei was a Russian tax lawyer investigated by the Russian Government for alleged tax evasion and fraud. In reality, Sergei was targeted by government officials for his role in uncovering tax fraud and corruption within the Russian Government. Sergei was arrested and held for 11 months without trial. While in prison, Sergei was subject to mistreatment and torture and was eventually beaten to death. Unfortunately, such sad stories are all too common in Russia today.

Rather than tolerate such injustice, my friends, Senators MCCAIN and CARDIN, introduced legislation to impose sanctions on individuals responsible for, or who benefited financially from, the detention, abuse, and/or death of Sergei Magnitsky, as well as other human rights abusers. Their efforts resulted in the inclusion of provisions in this bill which impose visa restrictions and asset freezes on those involved in human rights abuses in Russia.

This will be a powerful new tool to battle corruption within Russia, as corrupt Russian officials will no longer be able to travel to the United States or hide their ill-gotten gains in many Western institutions.

The Magnitsky Act represents an admirable replacement of the Jackson-Vanik amendment, and it is designed to address the situation in Russia today. President Obama opposed efforts to include these provisions, concerned that holding Russian Government officials accountable for their crimes might offend President Putin and undermine the administration's ill-conceived reset policy.

I am proud that my House and Senate colleagues stood firm on the side of justice and demanded that these provisions be included. Jackson-Vanik served its purpose with respect to Russia and should be revoked, but in its place we should respond to Russia's continued corruption and human rights violations.

There were many other gaps in President Obama's Russia policy. To help fill these gaps, I worked with my Senate Finance Committee colleagues to add provisions to the permanent normal trade relations bill introduced by our chairman, Mr. BAUCUS, that address a number of these issues.

First, I worked with Senator KYL to develop language to further advance anti-corruption efforts in Russia by requiring the U.S. Trade Representative and the Secretary of State to report annually on their efforts to promote the rule of law and U.S. investment in Russia. We also included a provision to assist U.S. businesses, especially small businesses, to battle corruption in Russia by requiring the Secretary of Commerce to devote a phone hotline and secure Web site to allow U.S. citizens and businesses to report on corruption, bribery, and attempted bribery in Russia and to request the assistance of the U.S. Government if needed.

I was also highly disappointed that the administration did not finalize an SPS equivalency agreement with Russia before agreeing to let them join the WTO. Under an SPS equivalency agreement, Russia would recognize our food safety standards as equivalent to its own, thereby reducing costs and burdensome paperwork on U.S. exporters. Today's bill requires the Trade Representative to continue efforts to negotiate a bilateral SPS equivalency agreement with Russia. In an effort to apply continued pressure on the administration to resolve these problems, we included language requiring the Trade Representative to report to Congress annually on Russia's implementation of its WTO sanitary and phyto-sanitary obligations.

Intellectual property rights protection in Russia remains poor. To make sure that Russia meets its commitments in this area, we included language requiring the Trade Representative to report annually on Russia's compliance with its WTO intellectual property rights obligations. As part of its accession package, Russia committed to joining the WTO Information Technology Agreement. Once they are a member, this agreement will allow a number of additional U.S. high-technology products to be exported to Russia duty free. Unfortunately, Russia has to date failed to fully live up to this commitment, even though Russia became a member of the WTO in August. To ensure that the administration holds Russia's feet to the fire, the Trade Representative must report annually on Russia's compliance with this commitment as well as its commitment to join the WTO Government Procurement Agreement.

When Ambassador Ron Kirk testified before the committee in June, he committed to continue efforts to develop an intellectual property rights action plan which implements Russia's obligations under a 2006 bilateral IPR agreement with the United States. That agreement goes beyond Russia's WTO

commitments, requiring, among other things, that Russia take enforcement actions against Russia-based Web sites posting infringing content, implement the World Intellectual Property Organization copyright treaty and performances and phonograms treaty, and enact a system of data exclusivity for pharmaceuticals.

I understand the administration is working on completing that action plan quickly and that our workers will soon be able to benefit from the agreement reached in 2006. To ensure that this is the case, this bill requires the administration to continue efforts to finalize that agreement.

Russia's WTO commitments go far beyond intellectual property rights. Given President Obama's past reluctance to hold Russia accountable for its actions, I wanted to make a tool available to Congress and the American people to put pressure on the administration to make sure that Russia lives up to its international commitments. So we included language which provides an opportunity for public comment and hearings on Russia's compliance with its obligations. If there are areas where Russia is not in compliance with its obligations, the administration is required to develop an action plan to address them and then provide an annual report on their enforcement efforts to bring Russia into compliance.

I believe this package of modifications vastly improves the bill. The Trade Representative's general counsel apparently agrees, stating during congressional testimony that "this bill provides the strongest package of enforcement measures for us at USTR to move forward and ensure full compliance once Russia joins the WTO."

It was over 30 years ago that Senator Henry Jackson and Congressman Charles Vanik stood up to their President and demanded that the administration address policies that denied individuals, especially Jews, the right to emigrate from Russia and other communist nations. Their work became known as the Jackson-Vanik amendment. The policies embodied in that amendment helped create the environment for literally hundreds of thousands of Jews to emigrate from the former Soviet Union, many of them to their homeland of Israel.

Jackson-Vanik served its purpose in Russia, but today we act to address the issues on the ground in Russia as we debate this bill. Today Congress will once again lead the way to help shape the future of U.S.-Russian relations. Approval of this bill will help establish a framework for addressing the myriad economic problems we face with Russia's Government. If the administration uses these tools effectively, we will see the fruits of our efforts, as we one day work side by side with a Russia free from corruption and in full compliance with its international obligations. I urge my colleagues to join me—and my colleagues on the other side of the

floor and my colleagues here who are for this bill—in support of this bill.

I yield the floor.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I understand we are, in effect, debating Russian PNTR. Robert Louis Stevenson once said, "The mark of a good action is that it appears inevitable in retrospect." When I traveled to Russia in February, many doubted that Congress would establish permanent normal trade relations, known as PNTR, with Russia this year. But in July the Senate Finance Committee unanimously approved legislation to do just that. And last month the House of Representatives passed very similar Russia PNTR legislation with 365 "yes" votes. Passing PNTR clearly is a good action for the United States. It is also an obvious one. Why obvious? Jobs. PNTR will mean more job opportunities for American farmers, ranchers, businesses, and workers.

Russia is a fast-growing market. For the United States to share in that growth, we must first pass PNTR. If we do, American exports to Russia are projected to double in 5 years. When Russia joined the World Trade Organization in August, it lowered its trade barriers to all WTO members who have PNTR with Russia. This is no small matter.

It includes lower tariffs on aircraft and auto exports, larger quotas for beef exports and greater access to Russian telecommunications and banking markets. It also includes strong commitments to protect intellectual property and to follow sound science on agricultural imports. It includes greater transparency on Russian laws and binding WTO dispute settlement. All very important.

One hundred fifty-five countries already receive these benefits in Russia. They receive those benefits right now. That is to say, every single member of the World Trade Organization—all 155 countries—except one, the United States of America, receives those benefits. So right now, companies and workers in China, Canada, and Europe can take full advantage of these export opportunities in Russia, the world's sixth largest economy. But U.S. companies and workers cannot.

We cannot let this stand. When Russia joined the World Trade Organization in August, we Americans gave up nothing. We will give up nothing if we pass PNTR legislation now. We change no U.S. tariffs, we change no U.S. trade laws. This is a one-sided deal in favor of American exporters.

In my home State of Montana, one out of five 5 jobs today is tied to agri-

culture. Ranching is a major driver of our agricultural economy. When Montana ranchers can sell more beef in Russia, they can support more workers in Montana. It is that simple. It is a similar story in States all across our country.

I know that passing PNTR will not solve all of our trade problems with Russia, but it gives us new tools to tackle these problems, such as binding dispute settlements. Thanks to the efforts of Senators HATCH, STABENOW, ROCKEFELLER, BROWN of Ohio, and others, this bill includes strong measures to ensure Russian compliance with its WTO obligations and that the administration enforces them.

This legislation also includes the Sergei Magnitsky Rule of Law Accountability Act to help fight criminal rights abuses in Russia. In 1974, Senator Jackson and Congressman Vanik teamed together to pass legislation called the Jackson-Vanik bill, which this legislation repeals. Jackson-Vanik addressed one of the biggest human rights abuses in Russia at that time. And it succeeded. For the last 20 years, Jews have been able to freely emigrate from Russia, what Jackson-Vanik was trying to address.

Jackson-Vanik is outdated. Jews can emigrate from Russia and this is no longer an issue. Senator CARDIN has courageously pushed the Magnitsky legislation for years. I commend him. The Magnitsky provisions in this legislation address one of the biggest human rights abuses in Russia today. The bill would punish those responsible for the death of anticorruption lawyer Sergei Magnitsky and others who commit human rights violations in Russia. It would do so by restricting their U.S. visas and freezing their U.S. assets.

Passing PNTR along with these provisions is the right thing to do. In closing, I urge my colleagues to follow the words of Robert Louis Stevenson and take good action. Every day we wait, U.S. farmers, ranchers, businesses, and workers fall farther behind their competitors. We owe it to them to pass this legislation. We owe it to them to make it inevitable.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I wonder if the Senator from Ohio is ready to speak?

Mr. BROWN of Ohio. Yes.

Mr. BAUCUS. How much time does the Senator wish to have?

Mr. BROWN of Ohio. Five minutes.

Mr. BAUCUS. I ask unanimous consent that the Senator from Ohio be allowed to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, the bill extending permanent normal trade relations to Russia is a positive step for American business and American workers. I have been critical of both Democratic and Republican administration approaches to trade negotiations and enforcement in the past. I think the improved enforcement reporting requirements in this legislation are a step in the right direction toward monitoring and toward enforcement of Russia's commitments made as part of its new membership in the World Trade Organization.

For too long, both Democratic and Republican administrations have negotiated trade agreements that undermine rather than maximize American job creation. Too often these agreements have failed to demand that our partners follow the same rules we do. Too often our government has not held our trade partners accountable when they do not meet commitments to which they have already agreed. We have seen this in our trade relationship with China for more than a decade. From currency manipulation to intellectual property theft, to failing to offer reciprocal access to its government procurement market, to hoarding rare earth materials, the People's Republic of China has ignored its international commitments and obligations.

For more than a decade, American workers and manufacturers, especially in a State such as mine, Ohio, have paid the price. There were thousands of lost jobs, a trade deficit that grew from \$83 billion in 2001 to \$295 billion in 2011 and a deficit in auto parts alone that went from about \$1 billion a decade ago to about \$10 billion today.

More recently, though, President Obama stood up to China issues on steel, which led to a new steel mill in Youngstown, OH; more steel jobs in Cleveland and Lorain, OH; on tires, which have translated into more jobs in Findlay, OH; and on aluminum, which has meant more jobs in Heath and Sidney, OH. That is obviously good news in my State and around the country. But our experience in China proves we must more closely monitor our trade partners' commitments before workers and businesses are injured by them.

As part of its WTO accession, Russia committed to lower tariffs on manufactured goods to ensure predictability by capping quota levels and to meet international standards on intellectual property rights. I am pleased to see the legislation extending Russia PNTR includes enforcement measures much stronger than the China PNTR, several based on legislation I introduced earlier this year.

By requiring the U.S. Trade Representative to monitor Russia's compliance with its WTO obligations to publish an annual report and our actions to promote compliance and establish a formal and public process for workers to weigh in on Russia's progress in anticipation and before vio-

lations or failing to follow the rule of law might take place, we can ensure that our trade relations with Russia put our interests first to build confidence, that our government can enforce the rules. Again, prior to potential misbehavior—as we saw with China—we will likely not see this from Russia because of this. Similar to any trade agreement, commitments must be adhered to; otherwise, they are not worth negotiating.

As an additional measure of commitment, I appreciate the administration's response to my request. Senior personnel at the Office of the U.S. Trade Representative, at USTR, who have served our government in Russia and are fluent in Russian are held accountable for monitoring Russia's compliance with its WTO commitments. Again, this is something we didn't do a decade-plus ago with the People's Republic of China.

Japan and Europe have already threatened to take Russia to the WTO over a number of unfair trade restrictions, including on autos. The United States will need to be vigilant on these issues as well. This work that Chairman BAUCUS did, that the House Ways and Means did, and the administration has done and will continue to do gives us that opportunity to be more vigilant and more effective.

Our workers, our farmers, our ranchers, and producers should have confidence that the trade deal signed will actually be enforced. For companies in my State, such as Proctor & Gamble, Goodyear or Alcoa, that stand to export more goods to Russia because of PNTR, enforcement of the rules matter. Whether economic opportunities for our businesses and our workers from Russia's PNTR, we can't ignore the Russian Government's consolidation of power and crackdown on political opponents, including the Russian media. Despite these challenges, though, we should not turn our backs as Russia continues breaking free from its totalitarian past. These are strong economic and democratic forces that are moving forward in Russia. These forces for change must be supported and must be allowed to grow. We must not forget how far Russia has come or how far it has to go.

About 40 years ago, Senator Jackson from Washington State and Congressman Vanik from my State of Ohio—the son of a Cleveland butcher—offered an amendment to a trade bill that used the leverage of the U.S. market to deny favorable trade status.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. This was to deny favorable trade status to countries that restrict immigration. Jackson-Vanik became antiquated more than a decade ago, but it proved that

trade can be an instrument for improving human rights and the rule of law.

PNTR now includes the important Magnitsky legislation, which will impose travel and financial penalties on officials responsible for human rights abuses abroad. I commend Senator CARDIN for his leadership on this issue, on this important amendment.

As the administration looks ahead to trade initiatives such as TPP and the United States-European Union Trade Agreement, Congress can take steps now, new steps, to assure the benefits of expanded trade reach workers, reach small manufacturers, not just large corporations. Several colleagues and I have proposed legislation updating our negotiating objectives on labor, on the environment, on import safety, and to restore congressional oversight to future trade negotiations to agreements and especially to their enforcement. It is time we practice trade so it achieves real results for middle-class families in promoting job creation.

While the Russia PNTR represents a positive step forward, we must build on this step to ensure that over the long term, promises made are promises kept.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, tomorrow this body will vote to advance legislation that will grant permanent normal trade relations with Russia and, in so doing, repeal the Cold War-era Jackson-Vanik sanctions that denied most-favored nation status to China.

As part of this comprehensive package, the Senate will also pass the so-called Magnitsky bill. This piece of legislation was inspired by a young Russian attorney, Sergei Magnitsky, who died in police custody in 2009 after he was jailed on trumped-up charges for exposing a vast web of corruption and tax fraud by some of Russia's most senior officials.

Sergei's story, extensively reported and documented by human rights activists, business leaders, journalists, and others, helped stir a bipartisan group of Senators led by our colleague Senator BEN CARDIN to draft legislation to hold accountable officials from all over the world who disregard basic human rights and fail to uphold the rule of law, including those responsible for the murder of Sergei Magnitsky.

Unfortunately, the legislation before us is deficient. While I do not intend to make perfection the enemy of the good, this bill falls short of the long-standing objective of this body to demonstrate a sustained commitment to the long tradition of U.S. leadership in the fight against corruption and human rights abuses around the world.

Regrettably, the House-passed bill deals only with Russian officials. Sergei Magnitsky's story could have been lost. It was kept alive by impassioned and inspired friends and supporters in Russia.

But from Pyongyang to Minsk, to Harare, and elsewhere, there are many

who remain voiceless under despots and strongmen and lack the advocates and resources to detail their abuses and seek justice, whether through documentary film or newspaper stories.

That is why the Senate bill went beyond the particular case of Sergei Magnitsky. Much like Jackson-Vanik forced Budapest, Warsaw, and Moscow to allow citizens to freely emigrate or travel, I believe a global approach would help to deter future abuses throughout the world. I am puzzled and, frankly, disappointed that our House colleagues did not recognize our government needs tools that will allow it to stand up for these individuals regardless of where they are in the world.

Because some have elevated the subject of commerce above human rights, there is a view that it is more important to pass PNTR than a global Magnitsky bill; thus, we should settle for a Russia-only bill. While the Jackson-Vanik sanctions we are about to repeal have obviously outlived their usefulness, there is an urgent need for additional tools to protect the invisible around the world.

I hope our collective failure to give voice to their struggles, except in Russia, will not discourage these brave men and women, whether in Beijing, Tehran or elsewhere, from their continued efforts to root out corruption or expose rule of law abuses.

For now, at least, we address the problem in Russia. While I will not be here next year, I hope my colleagues in both the House and Senate will seek to uphold U.S. values and to do justice to Sergei Magnitsky and his legacy by passing a global bill sometime in the future.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me thank Senator KYL for his leadership on this issue. He knows I share his views on the global aspect of the legislation. I wish to thank him for his extraordinary leadership as we have been working this issue. We have worked it hard to try to get as far as we possibly could. He will be missed in the next Congress.

We will take up this cause again, but I wanted to thank Senator KYL for his commitment on this issue and finding a way that we could advance this bill to the floor. I do look forward to the day we will make this bill global.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. As provided under the previous order, at 5 p.m., the Senate will proceed to executive session to consider Calendar No. 676.

For the information of all Senators, we expect a rollcall vote on the nomination of Michael Shea, a district court judge for the District of Connecticut, at approximately 5:30.

We will go into executive session at 5 and move toward that.

UNANIMOUS CONSENT AGREEMENT—H.R. 6156

Mr. REID. Mr. President, I ask unanimous consent that no amendments be in order to H.R. 6156; that following the reporting of the bill, there be up to 5 hours of debate, equally divided by the two leaders or their designees during today's session; that on Thursday, December 6, at a time to be determined by the majority leader, after visiting with and consulting with the Republican leader, there be up to 10 minutes of debate, equally divided by the two leaders or their designees; and that upon the use or yielding back of time the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, last week, Secretary Geithner brought up for the President an offer that was so not serious it makes me wonder what the point of it was. In light of that offer, I would like to see if our Democratic friends are willing to support it. It includes a \$2 trillion tax increase over 10 years, which would be the biggest real-dollar tax increase in U.S. history. It increases taxes on nearly 1 million small businesses and increases the taxes paid by family farmers and small businesses at death in the middle of a jobs crisis.

Most outrageous of all, it gives the President of the United States unilateral power—unilateral power—to raise the limit on the Federal credit card, the so-called debt ceiling, whenever he wants, for as much as he wants.

I don't think we should have to speculate how Democrats might feel about this. I think we should give them a chance to demonstrate for themselves how serious the President's plan was and how serious they are.

I would like to ask consent to offer an amendment to the Russia trade bill—this is Secretary Geithner's proposal right here—an amendment to the Russia trade bill that gives our friends on the other side of the aisle a chance to vote on this proposal Secretary Geithner brought up last Thursday. It gives the President's proposal to solve the fiscal cliff, as delivered by Secretary Geithner and outlined in the President's budget, an opportunity to be voted upon.

I should note I would be happy to have this vote right here or as an amendment to the next bill or as a stand-alone. It will not slow down what I hope is swift passage of PNTR for Russia. If this proposal was made in good faith, our friends on the other side, I am sure, would be happy to vote for it.

Let me just say I expect my good friend, the majority leader, to decline this chance to support the President and this laughable proposal because they know it couldn't even pass if it was sent to their majority.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I reserve the right to object.

Just a minute ago, Mr. President, I moved to the Russia trade bill. The purpose of moving this bill is to protect American jobs. If we don't do this legislation, we will lose American jobs for sure and put American companies in even worse shape than they are with Chinese and European companies. So the question is really this: Are we going to get serious here and legislate or is this more of the obstructionism we have felt so much of during this last Congress? The answer to that is really obvious. The answer is yes. Are we going to continue the sort of political stunts the minority leader is trying to pull here and now?

On the substance, the Senate has passed a bill that will go a long way to address the fiscal cliff. It has already passed here. Last July the Senate passed a bill to continue tax cuts for 98 percent of all Americans and 90 percent of all American small businesses. If the Republican leader were serious about preventing us from going over the fiscal cliff, he would urge his colleague, the Speaker, to get the House to take up the Senate-passed bill now. There are Republicans who have already said that is the right thing to do. Conservatives, more moderate Republicans—we even had one Republican Senator today say she thinks that will happen and it should happen.

In the meantime, the Republican leader's request is just a stunt. But the election is over. It is time to get down to business. These pieces of paper he has—Secretary Geithner didn't bring that stack of stuff to me. It was a private meeting—a private meeting—trying to work something out with this very troublesome issue facing this country—the deficit, the debt. And this private meeting turned out to be a publicity stunt for the Republicans talking about what he had said in private.

So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

The Republican leader.

Mr. MCCONNELL. Mr. President, I would add one comment about the consent I just offered. I think it would not be inaccurate to assert that the proposal the Secretary of the Treasury brought up last Thursday would not have passed the House when NANCY PELOSI was Speaker. This was an unserious proposal. And I can understand why my good friend the majority leader would rather not vote on it because I can't imagine that it would get many, if any, votes here in the Senate as well.